

# HOUSE . . . . . No. 79

By Ms. Wolf of Cambridge, petition of Alice K. Wolf and others that the Secretary of the Commonwealth be directed to promulgate regulations for the implementation of an “instant runoff voting” method of preference for candidates for Representative to the United States Congress. Election Laws.

## The Commonwealth of Massachusetts

### PETITION OF:

|                 |                    |
|-----------------|--------------------|
| Alice K. Wolf   | Bryon Rushing      |
| Frank I. Smizik | Patricia D. Jehlen |
| Jay R. Kaufman  | John W. Scibak     |
| Ellen Story     |                    |

In the Year Two Thousand and Five.

### AN ACT RELATIVE TO INSTANT RUNOFF VOTING IN CONGRESSIONAL ELECTIONS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 1 of chapter 50 of the General Laws, as  
2 appearing in the 2000 Official Edition, is hereby amended by  
3 inserting, above paragraph 1 “Alderman” paragraph 1A to define  
4 “Advancing candidate.” Insert the words: “a candidate who has  
5 not been eliminated.”

1 SECTION 2. Section 1 of chapter 50 of the General Laws, as  
2 appearing in the 2000 Official Edition, is hereby amended by  
3 inserting, below paragraph 6 “City election”, but above paragraph 7  
4 “Convention,” paragraph 6A to define “Continuing ballot.” Insert  
5 the words “a ballot that an election official has not eliminated.”

1 SECTION 3. Section 1 of chapter 50 of the General Laws, as  
2 appearing in the 2000 Official Edition, is hereby amended by  
3 inserting, below paragraph 10 “Election officer”, but above para-  
4 graph 11 “Family member,” paragraph 10A to define “Exhausted

5 ballot.” “a ballot on which there are no choices marked other than  
6 choices for eliminated candidates.”

1 SECTION 4. Section 1 of chapter 50 of the General Laws, as  
2 appearing in the 2000 Official Edition, is hereby amended by insert-  
3 ing, below paragraph 12 “federal act” but above paragraph 13  
4 “listing board,” paragraph 12A to define “instant runoff voting.”  
5 Insert the words: “a method of casting and tabulating votes that sim-  
6 ulates the ballot counts that would occur if all voters participated in a  
7 series of runoff elections with one candidate eliminated after each  
8 round of counting. In elections using the Instant Runoff Voting  
9 method, voters may rank the candidates in order of preference.

1 SECTION 5. Section 2 of chapter 50 of the General Laws, as  
2 appearing in the 2002 Official Edition, is hereby amended by  
3 striking out the third sentence and inserting in place thereof the  
4 following:

5 This section shall not apply to nominations and elections by  
6 ballot at primaries or caucuses. The Instant Runoff Voting method,  
7 as defined in section 1 of chapter 50 shall be the method used for  
8 all primaries and elections for the following offices when three or  
9 more candidates have qualified to have their names printed on the  
10 ballot: U.S. representatives. Ballots shall allow the voter to mark  
11 the voter’s first choice in the same manner as that for offices not  
12 elected by Instant Runoff Voting. Sample ballots illustrating  
13 voting procedures shall be posted in or near the voting booth, and  
14 shall be included in the instruction packet for absentee ballots.  
15 Directions to voters shall conform substantially to the following:

16 “Vote for your first-choice candidate by marking the number  
17 ‘1’ next to that candidate’s name. In addition to your first choice  
18 candidate, you may rank additional candidates in order of prefer-  
19 ence. Ranking additional candidates will not affect your first-  
20 choice candidate. Indicate your second choice by marking the  
21 number ‘2’ by that candidate’s name, your third choice by  
22 marking the number ‘3,’ and so on for as many candidates as you  
23 wish. Do not mark the same number beside more than one candi-  
24 date. Do not skip numbers.”

25 The secretary of the commonwealth shall adopt and promulgate  
26 regulations consistent with this section, which regulations shall

27 ensure that ballots shall be simple and easy to understand. As soon  
28 as practicable, the secretary of the commonwealth shall ensure  
29 that all voting equipment in the commonwealth is capable of  
30 effecting Instant Runoff Voting. In addition, the secretary of the  
31 commonwealth shall conduct a voter education campaign to famil-  
32 iarize voters with Instant Runoff Voting.

1 SECTION 6. Chapter 54 of the General Laws, as appearing in the  
2 2000 Official Edition, is hereby amended by deleting the third sen-  
3 tence of section 78 and inserting the following new section 78B:

4 § 78B. Voting by Instant Runoff Method.

5 (a) Manner of Voting

6 (1) A voter may rank candidates in order of preference equal to  
7 the total number of candidates for each office.

8 (2) Pursuant to subsection (1), a voter may rank a write-in can-  
9 didate.

10 (b) The purpose of this section shall be to require a majority of  
11 votes for election to the offices of United States representative.

12 (c) Instant Runoff Voting shall be the method used for all elec-  
13 tions to the following offices when three or more candidates have  
14 qualified to have their names printed on the ballot for those  
15 offices: United States representative.

16 (d) In elections using the Instant Runoff Voting method, voters  
17 may rank the candidates in order of preference. In all such elec-  
18 tions, the count shall proceed in the following manner:

19 (1) The initial round of counting shall be a count of the first  
20 choices marked on each ballot. If any candidate receives a  
21 majority of the first choices, that candidate shall be deemed and  
22 declared elected.

23 (2) If no candidate receives a majority of first choices, there  
24 shall be a second round of counting. The last-place candidate shall  
25 be eliminated, and all the continuing ballots shall be recounted.  
26 Each continuing ballot shall be counted as one vote for that bal-  
27 lot's highest ranked advancing candidate.

28 (3) If no candidate receives a majority at the second round of  
29 counting, there shall be a third round of counting. The last-place  
30 candidate shall be eliminated, and all the continuing ballots shall  
31 be recounted. Each continuing ballot shall be counted as one vote  
32 for that ballot's highest ranked advancing candidate.

33 (4) The process of eliminating the last-place candidates and  
34 recounting all the continuing ballots shall continue until one can-  
35 didate receives a majority of the votes in a round. The candidate  
36 who receives a majority of the votes in a round shall be deemed  
37 and declared to be elected.

38 (5) When a ballot becomes an exhausted ballot it shall not be  
39 counted in that round or any subsequent round.

40 (6) If there are not sufficient second and lower choices for any  
41 candidate to receive a majority, the candidate with the highest  
42 number of votes shall be deemed and declared to be elected.

43 (7) No candidate who has been eliminated can be elected, no  
44 matter how many second and lower ranked choices might other-  
45 wise have become votes for that candidate in a later round.

46 (e) Ballots shall allow the voter to mark the voter's first choice  
47 in the same manner as that for offices not elected by Instant  
48 Runoff Voting.

49 (f) Sample ballots illustrating voting procedures shall be posted  
50 in or near the voting booth, and shall be included in the instruction  
51 packet for absentee ballots. Directions to voters shall conform  
52 substantially to the following:

53 "Vote for your first-choice candidate by marking the number  
54 '1' next to that candidate's name. In addition to your first choice  
55 candidate, you may rank additional candidates in order of prefer-  
56 ence. Ranking additional candidates will not affect your first-  
57 choice candidate. Indicate your second choice by marking the  
58 number '2' by that candidate's name, your third choice by  
59 marking the number '3,' and so on for as many candidates as you  
60 wish. Do not mark the same number beside more than one candi-  
61 date. Do not skip numbers."

62 (g) The secretary of the commonwealth shall adopt and promul-  
63 gate regulations consistent with this section, which regulations  
64 shall ensure that ballots shall be simple and easy to understand.

65 (1) The state shall begin using instant runoff voting at the  
66 November 2004 general state election.

67 (2) Consistent with secretary of the commonwealth's powers  
68 under M.G.C.L. Chapter 54, §48, the state secretary shall conduct  
69 a voter education campaign to familiarize voters with instant  
70 runoff voting.

71 (3) Consistent with the secretary of the commonwealth's  
72 powers under M.G.C.L. Chapter 54, §32, the state secretary shall  
73 ensure that a city and town has voting technology capable of  
74 accommodating instant runoff balloting.

75 (4) In accordance with M.G.C.L. Chapter 56, §60, if an election  
76 official fails to comply with the laws under this section, the secre-  
77 tary of the commonwealth may order the local official to comply  
78 with the law.